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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,307	08/30/2001	James H. Falkner	SUN-P6376-PIP	2167
22835	7590	02/10/2005	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			PWU, JEFFREY C	
		ART UNIT		PAPER NUMBER
				2143

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,307	FALKNER, JAMES H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey Pwu	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/15/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being unpatentable over Chiles et al. (U.S. 6,167,567).

Chiles et al. disclose claims:

1. A method to facilitate automated software installation on a remote computer over the Internet, comprising:

initializing the remote computer with a custom operating system (245), wherein the custom operating system allows access to the remote computer over the Internet (col.7, lines2-30); providing an archive locator to the remote computer, wherein the archive locator is one of, a uniform resource locator (URL) and a proprietary resource locator (col.8, lines 33-63); requesting an archive from a site specified by the archive locator, wherein the archive includes an operating system and desired software packages pre-configured for the remote computer; downloading the archive to the remote computer from the site specified by the archive locator (90); and

re-initializing the remote computer with the operating system and software packages in the archive (col.24, line 55-col.28, line45).

2. The method of claim 1, further comprising loading the custom operating system into the remote computer during installation of the remote computer (245).
3. The method of claim 1, further comprising initializing the remote computer automatically with the custom operating system when power is applied to the remote computer (col.11, lines 18-33).
4. The method of claim 1, further comprising: creating the archive; storing the archive at a site on the Internet accessible using the archive locator; and upon receiving an authorized request for the archive from the remote computer, downloading the archive to the remote computer (col.8, lines 33-64).
5. The method of claim 4, wherein creating the archive involves:  
specifying the operating system and software packages to be included; installing the operating system and software packages on a configuration computer compatible with the remote computer; testing the operating system and software packages on the configuration computer; creating a snapshot of the operating system and software packages; including a configuration file within the snapshot; and saving the snapshot at the site specified by the archive locator for download by the remote computer, wherein the snapshot including the configuration file is the archive (col.8, line 64-col.10, line 50).
6. The method of claim 5, wherein the configuration file includes data for configuring the operating system, network parameters, and software packages (col.4, lines 1-8).

7. The method of claim 1, wherein providing the archive locator includes providing the archive locator over the Internet (“URL”, col.4, line 8-col.5, line 38).
8. The method of claim 1, wherein providing the archive locator includes providing the archive locator in a command line parameter during initialization of the remote computer (col.4, lines 43-65).
9. A computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method to facilitate automated software installation on a remote computer over the Internet, the method comprising: initializing the remote computer with a custom operating system, wherein the custom operating system allows access to the remote computer over the Internet; providing an archive locator to the remote computer, wherein the archive locator is one of, a uniform resource locator (URL) and a proprietary resource locator; requesting an archive from a site specified by the archive locator, wherein the archive includes an operating system and desired software packages pre-configured for the remote computer; downloading the archive to the remote computer from the site specified by the archive locator; and re-initializing the remote computer with the operating system and software packages in the archive (col.3, line 48-col.5, line 57).
10. The computer-readable storage medium of claim 9, the method further comprising loading the custom operating system into the remote computer during installation of the remote computer (245).
11. The computer-readable storage medium of claim 9, the method further comprising

initializing the remote computer automatically with the custom operating system when power is applied to the remote computer (col.11, lines 18-33).

12. The computer-readable storage medium of claim 9, the method further comprising: creating the archive; storing the archive at a site on the Internet accessible using the archive locator; and upon receiving an authorized request for the archive from the remote computer, downloading the archive to the remote computer (col.8, line 64-col.10, line 50).

13. The computer-readable storage medium of claim 12, wherein creating the archive involves: specifying the operating system and software packages to be included; installing the operating system and software packages on a configuration computer compatible with the remote computer; testing the operating system and software packages on the configuration computer; creating a snapshot of the operating system and software packages; including a configuration file within the snapshot; and saving the snapshot at the site specified by the archive locator for download by the remote computer, wherein the snapshot including the configuration file is the archive (col.4, lines 1-8).

14. The computer-readable storage medium of claim 13, wherein the configuration file includes data for configuring the operating system, network parameters, and software packages (claims 6, 15, 23, 31)

15. The computer-readable storage medium of claim 9, wherein providing the archive locator includes providing the archive locator over the Internet (see "URL").

16. The computer-readable storage medium of claim 9, wherein providing the archive locator includes providing the archive locator in a command line parameter during initialization of the remote computer (“URL”, col.4, line 8-col.5, line 38).
17. An apparatus that facilitates automated software installation on a remote computer over the Internet, comprising: an initializing mechanism that is configured to initialize the remote computer with a custom operating system, wherein the custom operating system allows access to the remote computer over the Internet; a providing mechanism that is configured to provide an archive locator to the remote computer, wherein the archive locator is one of a uniform resource locator (URL) and a proprietary resource locator; a requesting mechanism that is configured to request an archive from a site specified by the archive locator, wherein the archive includes an operating system and desired software packages pre-configured for the remote computer; a downloading mechanism that is configured to download the archive to the remote computer from the site specified by the archive locator; and a re-initializing mechanism that is configured to re-initialize the remote computer with the operating system and software packages in the archive (col.7, line 33-col.9, line 48).
18. The apparatus of claim 17, further comprising a loading mechanism that is configured to load the custom operating system into the remote computer during installation of the remote computer (col.7, line 67-col.8, line 23).
19. The apparatus of claim 17, wherein the initializing mechanism is further configured to

initialize the remote computer automatically with the custom operating system when power is applied to the remote computer (col.31, line 55-col.32, line 24).

20. The apparatus of claim 17, further comprising: a creating mechanism that is configured to creating the archive; a storing mechanism that is configured to store the archive at a site on the Internet accessible using the archive locator; and wherein the downloading mechanism is further configured to download the archive to the remote computer (col.8, lines 33-64).

21. The apparatus of claim 20, further comprising: a specifying mechanism that is configured to specify the operating system and software packages to be included; an installing mechanism that is configured to install the operating system and software packages on a configuration computer compatible with the remote computer; a testing mechanism that is configured to test the operating system and software packages on the configuration computer; wherein the creating mechanism is further configured to create a snapshot of the operating system and software packages; an including mechanism that is configured to include a configuration file within the snapshot; and a saving mechanism that is configured to save the snapshot at the site specified by the archive locator for download by the remote computer, wherein the snapshot including the configuration file is the archive (see flow chart of fig.5A-5D, steps 503-596).

22. The apparatus of claim 21, wherein the configuration file includes data for configuring the operating system, network parameters, and software packages (col.4, lines 1-8).

23. The apparatus of claim 17, wherein providing the archive locator includes providing the archive locator over the Internet (“URL”).

24. The apparatus of claim 17, wherein providing the archive locator includes providing the archive locator in a command line parameter during initialization of the remote compute (col.4, lines 43-65).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 6, 2005



JEFFREY PWU  
PRIMARY EXAMINER